

SEP 13 2005

Docket No.: 20402-00639-US1  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:  
Kinya Hasegawa et al.

Application No.: 10/721,066

Confirmation No.: 7806

Filed: November 26, 2003

Art Unit: 3736

For: NONINVASIVE CONTINUOUS BLOOD  
MEASURING APPARATUS AND A  
METHOD OF NONINVASIVELY  
MEASURING CONTINUOUS BLOOD  
PRESSURE

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Examiner: Robert L. Nasser

PETITION UNDER 37 C.F.R. 1.78 (a)(3)Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition under 37 C.F.R. 1.78(a)(3) for entry of the claim of priority under 35 U.S.C. 120. This petition is accompanied by an amendment containing the 35 U.S.C. 120 reference, as required by 37 C.F.R. 1.78(a)(2), and the surcharge set forth in 37 C.F.R. 1.17(t).

The undersigned hereby declares that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Please charge our Deposit Account No. 22-0185 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

09/15/2005 HGUTEMA1 00000053 10721066

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Application No.: 10/721,066

Docket No.: 20402-00639-US1

hereafter filed in this application by this firm) to our Deposit Account No. 22-0185, under Order No. 20402-00639-US1. A duplicate copy of this paper is enclosed.

Dated: September 13, 2005

Respectfully submitted,

By 

Morris Liss

Registration No. 24,510

CONNOLLY BOVE LODGE &amp; HUTZ LLP

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Attorney for Applicant

SEP 13 2005

Docket No.: 20402-00639-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kinya Hasegawa et al.

Application No.: 10/721,066

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Art Unit: 3736

For: NONINVASIVE CONTINUOUS BLOOD  
PRESSURE MEASURING APPARATUS AND  
A METHOD OF NONINVASIVELY  
MEASURING CONTINUOUS BLOOD  
PRESSURE

Examiner: Robert L. Nasser

**AMENDMENT ACCOMPANYING PETITION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

Please amend the above-identified U.S. patent application as follows:

Amendments to the Specification begin on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.

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Application No.: 10/721,066

Docket No.: 20402-00639-US1

**AMENDMENTS TO THE SPECIFICATION**

On page 1, before "Background of the Invention", please insert the following:

**Claim of Benefit Under 35 U.S.C § 120**

Applicant claims the benefit under 35 U.S.C. §120 and corresponding priority claims of the following applications:

Parent application Serial No. 09/290,394 filed April 13, 1999 (now U.S. Patent No. 6,358,212); and

First Divisional application Serial No. 10/057,910 filed January 29, 2002 (now U.S. Patent No. 6,743,178).

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Application No.: 10/721,066

Docket No.: 20402-00639-US1

**REMARKS**

The above amendment claims the benefit under 35 U.S.C. § 120 and corresponding priority claims of parent application serial no. 09/290,394 filed April 13, 1999 (now U.S. Patent No. 6,358,212) and first divisional application serial no. 10/057,910 filed January 29, 2002 (now U.S. Patent No. 6,743,178). This amendment does not add new matter to the specification.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 20402-00639-US1 from which the undersigned is authorized to draw.

Dated: September 13, 2005

Respectfully submitted,

By 

Morris Liss

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SEP 13 2005

PTO/SB/17p (11-04)

Approved for use through 7/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
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<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)  Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/721,066-Conf. #7808
	Filing Date	November 26, 2003
	First Named Inventor	Kinya Hasegawa
	Art Unit	3736
	Examiner Name	R. L. Nasser
	Attorney Docket Number	20402-00839-US1

Enclosed is a petition filed under 37 CFR 1.19(g) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.  
 This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17.

Payment of Fees (small entity amounts are NOT available for the petition fees).

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 22-0185 :  
☒ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.

- ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.  
☐ Payment by credit card (Form PTO-2036 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

- For petitions filed under:  
 § 1.53(a) - to accord a filing date.  
 § 1.57(a) - to accord a filing date.  
 § 1.182 - for decision on a question not specifically provided for.  
 § 1.183 - to suspend the rules.  
 § 1.378(a) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
 § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

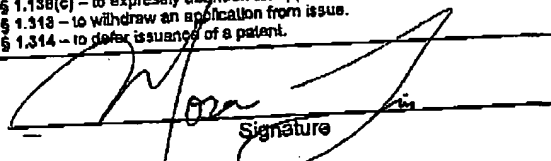
- For petitions filed under:  
 § 1.12 - for access to an assignment record.  
 § 1.14 - for access to an application.  
 § 1.47 - for filing by other than all the inventors or a person not the inventor.  
 § 1.59 - for expungement of information.  
 § 1.103(a) - to suspend action in an application.  
 § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.  
 § 1.295 - for review of refusal to publish a statutory invention registration.  
 § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
 § 1.277 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
 § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.  
 § 1.958 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.  
 § 5.12 - for expedited handling of a foreign filing license.  
 § 5.15 - for changing the scope of a license.  
 § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$150 Fee Code 1464**

- For petitions filed under:  
 § 1.18(g) - to request documents in a form other than that provided in this part.  
 § 1.84 - for accepting color drawings or photographs.  
 § 1.91 - for entry of a model or exhibit.  
 § 1.102(d) - to make an application special.  
 § 1.138(c) - to expressly abandon an application to avoid publication.  
 § 1.313 - to withdraw an application from issue.  
 § 1.314 - to defer issuance of a patent.

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 Signature  
 Morris Liss  
 Typed or printed name

September 13, 2005

Date

24,510

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SEP 13 2005

**FAX TRANSMISSION**

DATE: September 13, 2005

PTO IDENTIFIER: Application Number 10/721,066-Conf. #7806  
Patent Number

Inventor: Kinya Hasegawa et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP  
Morris Liss

PHONE: (202) 331-7111

Attorney Dkt. #: 20402-00639-US1

PAGES (Including Cover Sheet): 8**CONTENTS:**

Petition Fee Transmittal (1 page)  
Petition Under 37 CFR 1.78(a)(3)  
Amendment Accompanying Petition  
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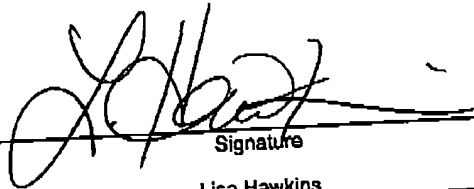
Application No. (if known): 10/721,086

Attorney Docket No.: 20402-00639-US1

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on September 13, 2005  
Date



Signature

Lisa Hawkins

Typed or printed name of person signing Certificate

Registration Number, if applicable

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Petition Under 37 CFR 1.78(a)(3)  
Amendment Accompanying Petition  
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